

**REMARKS**

Claims 1-22, 30, 32, 33, 36, 37, 40, 41 and 43 are pending in the application.

Claims 1-22, 30, 32, 33, 36, 37, 40, 41 and 43 have been rejected.

Claims 1, 33, 36, 37, 40, 42, 43 have been amended, as set forth herein.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-11, 30, 32-33, 36-37, 40, 42 and 43 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gershman (US 6,356,905). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Applicant has amended independent Claims 1, 33, 36, 37, 40, 42 and 43 to clarify and recite, generally, that a data packet is received at a first device (e.g., wireless server) capable of wirelessly communicating with a second device (e.g., wireless device). The data is associated with a one of a plurality of network enabled software applications executing on the first device (e.g., wireless server), and display information is generated for use by the second device (e.g., wireless device) in producing a display thereon.

Gershman appears to disclose a wireless device 2602, 2713 that generates and transmits a search query message to the wireless server 2606, 2722. The wireless server 2606, 2722 determines the appropriate third party service provider (communicatively coupled to the server 2606, 2722 via the internet or extranet) and transmits a new message thereto. The third party service provider performs the appropriate service and transmits the result back to the server 2606, 2722. The server 2606, 2722 forms a message based on the result and transmits this message to the wireless device 2602, 2713. Gershman, Col. 50, lines 27-55; Col. 56, lines 9-52. Therefore, it appears that the third party service provider and content providers 2730, not the wireless server 2606, 2722, execute the software application.<sup>1</sup> Moreover, Applicant's network enabled software applications, as described in the Applicant's specification, do not appear equivalent to the intelligent agents 2724, customer intelligence 2726 or customer data 2728 in the Mobile Portal 2712.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1-11, 30, 32-33, 36-37, 40, 42 and 43.

## II. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

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<sup>1</sup> Though Gershman describes that this configuration "allows the Electronic Valet 2602 to execute many different software applications without the need for a large amount of internal memory and storage capacity", (Col. 50, lines 34-37), the third party service or content providers 2730 of Gershman perform the software execution - not the wireless server 2606, 2722.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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